

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD MAY 19, 2015**

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**CALL TO ORDER**

At 7:07 p.m., Mayor Woodruff called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

**FLAG SALUTE**

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION - -Community Pool Budget Presentation  
-Sewer Plant Personnel Requirements**

The Mayor stated that he would like to take the Conference Session items in reverse order.

Mr. Bussicula and Mr. McAndrew spoke about the current employment situation at the Sewer Plant. Discussion ensued regarding the following: 1) there are 4 (four) full time employees, but the Plant is now down to three employees as one is out (due to getting hurt; his injury helped prompt tonight's discussion;) 2) to accomplish what we are required to do and should be doing, we need 14,000 man hours. We presently can "put in" 8,320 man hours with the current staff. Therefore, we are short almost 3 full time employees; 3) the condition of the municipal sanitary sewer infrastructure will deteriorate over time -- we have been doing what we can to keep it going but physically we can't address all that we should. Concrete examples were provided; 4) how the needed man work hour number was developed; 5) whether requirements changed the number of needed work hours; 6) "things" have been slipping through the cracks; 7) Mr. McAndrew stated that at the time of Mr. McAndrew's hiring there were 5 employees. Now there are 4 employees and 1 is "out," putting them in crisis mode; 8) Mr. Bussicula stated that he didn't want to give the impression that the plant would fall apart tomorrow. However, he continued that because we are not doing the things we should be doing; 9) the Vac-Truck isn't being used to its full potential because we don't have enough staff; 10) we have incomplete maintenance of existing equipment; 11) the problem with one person "down" is that staff is working 19 days straight and then get two days off; 12) overtime and regular hours; 13) the advantages of hiring a seasoned employee; 14) staffing was raised tonight so that everyone is aware that there are issues. These issues are not "off/on" like a switch, but there are many shades of gray (deterioration;) 15) we are using overtime hours now in lieu of hiring another employee; 16) whether the hours presented were solely plant hours; 17) headcount analysis doesn't include Joann Roof or Tom McAndrew's tasks/hours; 18) whether these man hour issues were discussed in the budget process; 19) budgeted dollars could be found for a Sewer hire from the two budgeted spots in the Department of Public Works; 20) after the new Sewer hire is acclimated, re-evaluation of the needed man hours can occur; 21) whether the new hire presents union issues; and 22) budget implications.

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The Mayor asked if anyone was here to present the Community Pool Budget. No one answered. Discussion ensued on the next step with a proposed issue to discuss.

**TOWNSHIP COUNCIL REPORTS**

Moved by Mr. Hall to open the hearing on Township Council Reports, seconded by Mr. Faecher and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**Mr. Delia** – Mr. Delia; 1) stated that he was glad to see the big flag up at the Hardware store; 2) wondered if anyone knew about the Nursing Home on Springfield Avenue and whether it was closed; 3) spoke about an issue which came up at the Environmental Commission meeting and also on the “blog.” Mr. Delia asked who would be responsible for landscapers’ debris which is blown in sewers, and whether this is a Police (summons) issue or a Zoning issue. Mr. Bussicula noted that there is a notice on our website regarding this issue; 4) spoke about an email received today regarding Bamboo planting (containing it.) Discussion ensued.

**Mr. Faecher** - Mr. Faecher stated that he spoke at the last Council Meeting about the Mount Laurel doctrine, affordable housing compliance obligations and the status of the court decision in March. He then stated that the Township received correspondence on the previous Friday regarding property located downtown (the Kings property as well as the Theater property) from Berkeley Heights Developers, LLC. The principal of that entity is Mr. Forgione. The letter seeks to develop the property, both the Kings area as well as the Theater property, for residential purposes and stated that it would be an inclusionary development (meaning it would have affordable housing units.) Mr. Faecher also noted that we are in the process of working on the Township’s plan. Discussion ensued regarding the Township’s next COAH meeting (Tuesday.)

**Mr. Hall** – Mr. Hall stated that the Bulk pick up is currently scheduled for the first two weeks of September and spoke about why the pickup was occurring then (i.e., we had to adopt the budget before went out to bid and then wanted to wait until residents’ holiday period was over.)

**Mr. Pirone** – Mr. Pirone had nothing to report.

**Mr. Pastore** – Mr. Pastore had nothing to report.

**Mrs. Kingsley** – Mrs. Kingsley had nothing to report.

**ADMINISTRATION REPORTS**

**Mayor Woodruff** – The Mayor reported that 1) the Memorial Day parade is scheduled to occur on Memorial Day; 2) we are working to address the fiscal issues around the Memorial itself. The Committee

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is in the fundraising stage. There may be a booth at the parade to educate the public; 3) thanked Mr. Barbera who had arrived a little late to give the Pool presentation; 4) this Thursday, he would be hosting a Mayor's Roundtable (the fourth Roundtable.) Mr. Hall will be the guest and will discuss redevelopment and there will be some carry over with respect to affordable housing.

**Mr. Bussicula** – Mr. Bussicula reported 1) we are in the process of removing scrap metal at the DPW; 2) we have taken pictures of the obsolete equipment at DPW to list on gov.deals; 3) some of the handicap ramps have "come up" and we are starting to replace them with a better mat; 4) on road work including paving work is done on Glenside and the striping is completed; 5) the signs are "up" in the GL area for the parking; 6) we are exploring getting retainers for recycling at the DPW, i.e., electronics; 7) we are working on getting the DPW yard cleaned; 8) the street roller is in; 9) the train station lot has been cleaned, pot holes filled and striped; 10) potholes were filled along the race route; 11) we are preparing the town lots and planting flowers in preparation for Memorial Day; flags and banners are being hung on utility poles on Springfield Avenue; 12) there have been 18 tons of potholes completed and named specific streets; 13) the chipping program: sections 1 and 2 are complete; 14) a RFP was put out for evaluating Lord Littell House and Museum; 15) a grant application was submitted to Union County; 16) Summit Medical Group will send a \$500 check donation for the Rescue Squad; 17) introduced our new Assistant DPW Supervisor, Joe Niosi.

Moved by Mr. Hall to accept and approve the Township Council and Administration Reports, seconded by Mr. Faecher and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**APPROVAL OF MINUTES**

Moved by Mr. Faecher to approve the following minutes, seconded by Mr. Pirone and upon roll call vote:

**Public Meeting – March 24, 2015**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: Mrs. Kingsley  
Absent: None

The Mayor asked Mr. Barbera whether he was here to bring information on the Community Pool budget before the meeting moved to the Hearing on Agenda items.

Mr. Arthur Barbera stated that 1) you have the budget for the Pool this year; 2) we pay a \$1 rent; 3) the Pool has submitted a proposal regarding allowing alcohol (bring your own.) Currently this practice is prohibited. The pool has received requests from its members regarding bringing alcohol.

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Discussion ensued on the alcohol issue. Mr. Sordillo stated that there is a prohibition for alcohol in a) the lease and b) in our ordinances for Township properties. Further discussion ensued regarding amending the lease and exceptions to the ordinances, appropriate pool policy changes, insurance issues, limits, conditions, indemnity, expected alcohol use at the pool, potential claims' scenarios, attracting more pool members, scenarios and possible outcomes where an injured party would have recourse to the town. Mr. Faecher asked Mr. Barbera whether the New Providence pool and the pool near Columbia all have the ability to bring alcohol. Mr. Barbera answered yes. Mr. Barbera said they were trying to attract membership and this question comes up quite often. He stated that the pool had just celebrated their 50<sup>th</sup> anniversary last year and it has been a safe place to go.

Subject to Mr. Barbera producing the appropriate insurance document and a reasonable policy, the Mayor asked Council their feeling on this issue. Mr. Hall stated that he would like a few days to think about it. Mr. Delia stated the main thing for him is that many other towns have "it" so that makes a big difference and as long as it's watched, he believes it would be okay. He continued that the main factor is that the pool is a family pool and therefore it won't get the wild partying and heavy drinking (and therefore, he would probably say yes.) Mr. Faecher stated that he is okay with it on two conditions: 1) we review the insurance to see that it is adequate; 2) we need to consider a separate or modified indemnity agreement. Mrs. Kingsley agreed with Mr. Faecher on the lease amendment and indemnity issues. Mr. Pastore stated he felt the same. The Mayor asked about the officers and whether they were covered individually. The Mayor asked Mr. Barbera to put together the requested information. If we were to move forward, Mr. Sordillo stated we would amend the lease and approve that by resolution

## **HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Pirone to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

Ms. Carol Matula of 5 Hastings Road asked if some information could be provided about why two DPW employees were not working. The Mayor responded that we were not able because it was an employment situation. Discussion ensued regarding the two positions and future plans (i.e., transferring one "spot" to the Sewer Department.)

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Hearing no voices, moved by Mr. Pirone to close the Hearing on Agenda items, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**X. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON  
May 5, 2015.**

The Clerk presented and read:

**“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM  
RATE OF SALARY AND COMPENSATION OF ELECTED AND  
APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES  
IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP  
OF BERKELEY HEIGHTS.”**

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Faecher and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and carried.

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Mr. Delia said that last meeting he had no knowledge of this, didn't speak to the Administrator in the last few weeks, and asked to be filled in on this Ordinance. Mr. Bussiculo explained that the Township was re-instating the Assistant Finance Officer position. Mr. Delia asked if we were hiring anyone new. Mr. Bussiculo responded that no one new was being hired but the person in that position would be moved to that title.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

## **RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

- a. Resolution approving Bill List dated May 19, 2015 in the amount of \$412,112.43

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

## **CONSENT AGENDA –**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

(2)

- a. Resolution supporting the Police Department *Click It or Ticket* seat belt mobilization campaign from May 18 – 31, 2015.
- b. Resolution authorizing a release of cash bond to Mr. Russell Block in the amount of \$700.00, for work done at 87 Cromwell Court, Permit# 3031.
- c. Resolution appointing Matthew Ward, 11 Raleigh Court, Berkeley Heights to the active roster of the Berkeley Heights Volunteer Fire Co.

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Moved by Mr. Pastore to approve Consent Agenda resolutions #2a through c, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None.

**CITIZENS HEARING**

Moved by Mr. Pirone to open the Citizens hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

The Mayor announced that Mrs. Kingsley would time everyone (for 3 minutes.)

Mr. Tom Foregger of 14 Dorsett Road asked about the Pool's budget, (i.e., did it contain operating expenses, had they submitted it.) A brief discussion ensued during which the Mayor and Council responded that the budget had been submitted, whether it was balanced and whether it had to be approved. Mr. Foregger stated his opposition to having alcohol at the pool, and stated that it doesn't set a good example and is not consistent with the DARE program.

Mr. Rhodes of 4 Crest Circle spoke about the recent parking ordinance. Mr. Rhodes stated: 1) there is more traffic and trespassing in his area since the ordinance passing; 2) he would like the same courtesy extended to "us"; 3) his neighbors have called the police and officers have been sent to their street. Clarification was requested by Council by what Mr. Rhodes meant by traffic and trespassing; Mr. Faecher a) intends to look at this area and b) suggested students receive a warning for trespassing; 4) Mr. Rhodes has already spoken to the School Board. Mr. Rhodes stated that the School Board has chosen not to respond. Mr. Rhodes has spoken to the new principal and the old principal but doesn't expect there to be anything done in a timely manner; 5) Mr. Faecher and Mr. Rhodes named the discussed streets: Crest Circle, Gallinson, and Crest Drive; 6) spoke about a quality of life standpoint. Mr. Rhodes has 28 signatures. He asked again for the same courtesy that was extended to Sussex and Crest Drive.

Discussion ensued: 1) the Crest Circle situation was bound to happen, i.e., "kick the can down the hill;" 2) make the parking more challenging for the students; 3) parking time restrictions; 4) the school board is not necessarily dealing with the issue that has been created; 4) the Crest Circle situation is different; 5) Mr. Rhodes asked that the School Board and Township Council work together; 5) the Thanksgiving football game would provide a marker on how far down students will park (i.e., there has to be a spot where the kids won't park, -- where they decide it's not worth the walk to the high school); 6) if pushing the parking down to Mountain Ave, whether the students will "make the walk."

Mr. Howard Baum of 52 Crest Drive stated 1) he had lived on Crest Drive for 12 years; 2) there's no problem for parking at the school now because we haven't created a problem, i.e., tell students there's no

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parking around the school for a mile radius – then the school will make changes; 3) his wife has gone to the school twice in the past week; 4) on Monday, there were 20 cars in his street this week and 49 empty spots at the school; 5) suggested the students’ parents push the school (but won’t happen until there’s a problem; 6) right now the problem is just “ours”; 7) in his neighborhood, there are 9 kids under 10 years old and there are no sidewalks on the street. Now there are 16-year old new drivers on their street. Visibility is now affected for them. They recently parked their car on the street and the car was vandalized (‘not saying it was a student;) The situation is a recipe for disaster.

Ms. Anne Allen of Crest Drive stated that it is extremely dangerous; she noted that there was a lack of stop signs.

Discussion ensued 1) that people specifically chose this neighborhood because of the low traffic; 2) Council spoke about previous feedback received from the neighborhood, including no parking restrictions and no signs wanted on their streets; 3) further discussion ensued about the legality of putting signs up not letting students park there; 4) this neighborhood didn’t foresee this issue; 5) can we get this question “on the docket;” 6) whether and how should we start the process again; 7) reviewing the history of what Council has done for the parking situation area around the high school (Mr. Hall;) 8) whether the Council adopted the “plan;” 9) did Council know there were 50 spots at the High School and why didn’t we force them to make a change (we can’t;) 10) banning parking on all the streets -- thus forcing a change at the high school; 11) options the high school could implement, i.e., increasing the permits; and 12) experience interacting with the School Board regarding this issue.

A resident named Joe from 44 Crest Drive asked if police could come in the morning and the afternoon (until Council makes a decision.) There is complete chaos from 7:25 to 7:45 a.m. and 2:30 to 2:50 p.m.

There is strong citizen support for changes (signs versus cars,) and there are many reasons for this change (i.e., no sidewalks, no direct route to the school, very quiet neighborhood.)

Mrs. Kingsley spoke about 1) the privilege of driving (it is not an entitlement) and we need to help and protect each other; 2) the GL community needs to be addressed – some parents may not know the situation that their children create; we need to get the parents involved.

Mr. Robert Wagner of 137 Crest Drive stated he supports these gentleman. He asked whether the Township would bear any risk of liability by an unfortunate incident as a result of being knowledgeable about the risks inherent of having cars parked on both sides of the road and knowing that there is a present danger of kids playing in the streets, i.e., if there was an accident. Discussion ensued about this question and protection by Title 59 immunities.

Mr. Gerald Kuzmick of Eaton Court stated that his comments were in regards to 1) communications in this building, and the 2) public broadcast. He asked about the progress of communication within the building and going on network as proposed in previous meetings. Mr. Bussiculo spoke: a) about quotes for camera installations (about \$35,000 to broadcast on Comcast and FIOS;) b) we had an alternative idea to work with Live Stream; c) we are waiting for budget approval to move forward. Discussion ensued about the status of microphones. Mr. Kuzmick said this issue has been brought up before. Mr. Hall asked whether individual microphones could be purchased.



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Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**EXECUTIVE SESSION – 1. Contract Negotiations/Land Acquisition-Little Flower Church  
2. Potential Litigation - affordable housing compliance**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(8:29 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore  
Nays: None  
Abstain: None  
Absent: None

Mr. Sordillo noted that there was no anticipated official Council action to take place except for coming out of Executive Session to adjourn the meeting.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(10:15 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore  
Nays: None  
Abstain: None  
Absent: None

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**ADJOURNMENT  
(10:16 p.m.)**

Moved by Mr. Pastore to adjourn, seconded by Mrs. Kingsley and upon roll call vote

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone

Nays: None

Abstain: None

Absent: None

**Approved: July 21, 2015**